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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 000512

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SUBJECT: AZERBAIJAN: CONTROVERSY ON NGO LAW MAY YIELD  
CHANGES

REF: SECSTATE 63336

Classified By: DCM Donald Lu, Reasons 1.4 b and d.

11. (C) Summary: Discussion of the amendments to the Law on NGOs continues fast and furious in Baku. Embassy officials have delivered the reftel demarche to the Presidential Advisor on Legal Policy Shahin Aliyev and to the Deputy Head of the Yeni Azerbaijan Party Ali Ahmadov. Both GOAJ officials said the amendments would certainly pass June 30, but that significant changes were possible. It remains unclear at this point what these changes may be, but it seems unlikely that they will address all of the concerns of the international community and domestic civil society. Local NGO groups continue to take the lead on advocating for stopping these amendments, with diplomatic missions in Baku actively supporting. End Summary.

MAJOR REVISIONS PROMISED

12. (C) On June 25, the DCM delivered reftel demarche to the head of the President's Legal Office, Shahin Aliyev. Aliyev made a point of emphasizing that neither he nor the President consider acceptable the current version of the amendments to the NGO law. He claimed that the first thing the President did upon return from his overseas trip on June 20 was to call the Parliamentary Speaker Ogtay Asadov to register his concerns. "There will be major changes in the proposed amendments before they are approved on June 30," commented Aliyev.

13. (C) When pressed for details, Aliyev gave two examples of changes he would like to see in the revised amendments. He said that the earlier amendments called for criminal penalties for unregistered NGO leaders. He would like that changed to civil and administrative penalties. The DCM noted that Azerbaijan could never enforce criminal penalties against the thousands of NGOs that remain unregistered in Azerbaijan. The police force and prisons are not large enough. Aliyev agreed. Second, Aliyev said that foreign NGOs should be allowed to operate in Azerbaijan, but under the umbrella of a bilateral agreement with individual governments. He specifically noted as a positive example the U.S.-Azerbaijan bilateral assistance agreement under which USAID and its partners operate.

PESKY PARLIAMENT HAS SO MANY DIFFERENT OPINIONS

14. (C) Aliyev added that the Parliament has been particularly difficult to deal with on this set of legislative changes. He said that the relevant committee had promised to send over the revised legislation but he had not received it. "The Parliament is easy to work with on strategic legislation like the electoral code, but on emotional issues like the NGO law, they have too many different opinions," he added. He blamed the original draft on six members of Parliament who acted without consultation with the Presidential Administration. In response to questions about delaying or vetoing the legislation, Aliyev said that he was certain that the amendments would be passed on June 30 and that the President would find a way to have passed a version he could sign. He said that there might also be additional changes to the amendments on the media law, but that the amendments to the religion law were not challenged by the President. He indicated that the President feels very strongly about the need to control religion and extremism in Azerbaijan.

#### RULING PARTY DEPUTY DEFENDS AMENDMENTS

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15. (C) On June 25 poloff delivered reftel demarche to Ali Ahmadov, MP and executive director of the ruling Yeni Azerbaijan Party (YAP). Ahmadov is a former professor at Baku State University, and is known to be one of the key architects of YAP's public message. He presented a well-crafted case for why these amendments to the NGO law are necessary, and that the USG should not be worried about them. Ahmadov insisted that the aim of the changes to the law is

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not to create obstacles for NGOs but instead to create better conditions for their operation. He stated that NGOs should not rely on foreign donations, as they could disappear, and moreover, domestic donations would create NGOs more compatible with Azerbaijani society. He insisted several times that these changes would not affect U.S. assistance to Azerbaijan, and they were not directed at the United States.

16. (C) On the process of altering these proposed amendments, Ahmadov stated that the June 30 plenary meeting would be the last in the spring session of parliament. Therefore, the amendments would be either be accepted or rejected at this session, and would not be postponed again. He said that the State Support Council for NGOs had met several times with parliament's Legal Policy Commission, which introduced the amendments and therefore has the power to accept changes to them. Ahmadov had no information on whether the Commission would accept any of the changes (described in paragraph 7) proposed by the NGO Council.

#### STATE NGO COUNCIL ADVOCATING DIFFERENT CHANGES

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17. (C) Separately, on June 24 the GOAJ-supported NGO Council made public its list of suggested changes to the draft amendments. This list contains 14 changes which do go a long way to addressing the problems raised by the international community and domestic civil society. For instance, the Council suggests either eliminating the change requiring NGOs to receive only 50 percent of their funding from foreign sources, or raising the cap to 80 percent. It also removes the provision requiring NGOs to submit lists of all their members to the Ministry of Justice. It does not, however, remove the provision preventing foreigners or stateless persons from establishing an NGO.

#### MANY GROUPS MEETING GOAJ TO PUSH ALTERNATIVES

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18. (C) Belgian First Secretary Peter Booms confirmed that the EU demarched Ali Huseynov on June 19 on their concerns regarding the changes (the Belgians currently represent the Czech Presidency of the EU). Booms said they also requested

a meeting with Ali Hasanov in the Presidential Administration, but have not yet received a reply. The Parliamentary Assembly of the Council of Europe issued a statement on June 25 calling on the GOAJ to consult with the Venice Commission before passing any changes. Veronika Kotek of the CoE Office in Baku confirmed that she has been meeting many GOAJ officials to pass the same message.

¶9. (C) The NGO Council met on June 25 with the group of civil society organizations that are opposing the amendments. These civil society leaders had low expectations for the meeting, but this openness to discussion is a positive step. Similarly, the local business associations, including the American Chamber of Commerce, plan to meet with the Legal Policy Commission on Monday, June 29 to express their concerns with the amendments.

COMMENT  
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¶10. (C) The government appears confident that the amendments will be passed this month and that there is still room for changes to these amendments. The changes described would not bring these laws in line with international standards, however. Credit for any success at reining in the worst aspects of these new laws needs to go to all of the local NGOs who have loudly complained about their rights being jeopardized. International support to these NGOs has been critical, but the international community has largely allowed local NGOs to take the lead.  
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